

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

3M Innovative Properties Company and
3M Company,

Plaintiffs,

vs.

SABIC Polymershapes and
SABIC Innovative Plastics US

Defendants

)
)
) Civil Action No.:
)
)

) Jury Trial Demanded
)
)

) Pat. # 6,461,709^{B1}
) 6,777,055^{B2}
)

COMPLAINT

Plaintiffs 3M Innovative Properties Company and 3M Company (collectively "3M") for their complaint against Defendants SABIC Polymershapes and SABIC Innovative Plastics US, LLC (individually and collectively, "SABIC") state and allege as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, including 35 U.S.C. § 271 and §§ 281-285.

2. Plaintiff 3M Innovative Properties Company is the owner, by assignment, of all right, title, and interest in United States Patent No. 6,461,709 B1 (the "709 Patent") entitled "Graffiti and/or Environmental Protective Article Having Removable Sheets, Substrates Protected Therewith, and a Method of Use." A true and correct copy of the 709 Patent is attached as Exhibit A.

3. Plaintiff 3M Innovative Properties Company is the owner, by assignment, of all right, title, and interest in United States Patent No. 6,777,055 B2 (the "055 Patent") entitled

"Protective Article Having Removable Sheets and Vertically Staggered Side Edge, Substrates Protected Therewith, and a Method of Use." A true and correct copy of the '055 Patent is attached as Exhibit B.

4. As set forth below, Defendant SABIC has infringed and continues to infringe the '709 and '055 Patents.

PARTIES

5. Plaintiff 3M Innovative Properties Company is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 3M Center, St. Paul, Minnesota. 3M Innovative Properties Company is a wholly owned subsidiary of 3M Company.

6. Plaintiff 3M Company is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 3M Center, St. Paul, Minnesota. 3M Company is a global, diversified manufacturing company. 3M Company develops, manufactures, and sells tens of thousands of innovative products across a wide range of industries, including the transportation industry and the graffiti and/or environmental protection products industry.

7. Upon information and belief, SABIC Innovative Plastics US, LLC is a Limited Liability Company organized under the laws of the State of Delaware, with its principal place of business located at 1 Plastics Ave., Pittsfield, MA 01201-3662.

8. Upon information and belief, SABIC Polymershapes is a business entity affiliated with SABIC Innovative Plastics US, LLC, and operates in the State of Minnesota at 9100 Wyoming Ave. N., Suite 500, Minneapolis, MN 55445-1866.

9. SABIC sells and offers to sell its infringing multi-layer tear-off products throughout the United States, including the State of Minnesota.

JURISDICTION AND VENUE

10. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1338(a).

11. This Court has personal jurisdiction over SABIC because, *inter alia*: (1) SABIC, on information and belief, does business throughout the United States, including in this judicial district; and (2) under the Minnesota Long Arm Statute, Minn. Stat. § 543.19, SABIC, on information and belief, transacts business in Minnesota and/or has committed acts of patent infringement within and/or outside Minnesota that have caused injury in Minnesota.

12. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) and (c) and § 1400(b).

FACTUAL BACKGROUND

3M's Innovative Protective Articles:

13. 3M Innovative Properties Company owns two issued United States patents related to multi-layer protective articles having removable sheets.

14. Prior to the inventions, the useful life of windows, glass, and other substrates was reduced by damage to the surface of the substrate by, e.g., scratching and abrading. In addition to incidental damage arising from weathering, cleaning, and normal wear and tear, intentional damage, including graffiti and scratching, posed significant problems.

15. Efforts to address these problems have included a multi-step abrasion/polishing method to remove the damage; single-use sacrificial layers (e.g., polyester sheets coated with permanent adhesive) that are applied to the surface to be protected and removed and replaced when damaged; sacrificial windows (e.g., polycarbonate or acrylic sheets) positioned to shield the surface to be protected; and epoxy coatings applied to repair a damaged substrate. Each of these approaches had significant disadvantages including time, labor and cost of use.

16. After discovering these and other problems with the prior approaches, the inventors of the '709 and '055 Patents identified and developed a revolutionary solution to the long-standing problem of protecting materials such as windows and glass from damage. These inventors conceived that a stack of sheets could be designed such that each sheet provided the desired damage protection, yet was removable from the sheet below. Thus, when the topmost sheet was damaged, it could be removed exposing the fresh sheet below.

17. On October 28, 1998, 3M filed U.S. Patent Application No. 09/181,532. The United States Patent and Trademark Office duly allowed this application which issued on October 8, 2002, as U.S. Patent No. 6,461,709.

18. On October 14, 2003, 3M filed U.S. Application No. 10/685,329 that ultimately issued as the '055 Patent. This application was a continuation of, and claimed the benefit of the June 27, 2000, filing date of 3M's U.S. Patent Application No. 09/604,475, now abandoned. On August 17, 2004, the United States Patent and Trademark Office duly issued the '055 Patent.

19. Since at least October, 2008, SABIC has offered for sale its infringing multi-layer tear-off product within the United States, without license from 3M.

COUNT I - INFRINGEMENT OF THE '709 PATENT

20. 3M restates and realleges each of the assertions set forth in Paragraphs 1 through 19 above.

21. SABIC has offered to sell, in this judicial district and elsewhere in the United States, its multi-layer tear-off product that infringes the '709 Patent.

22. The infringement by SABIC of the '709 Patent has injured 3M, and will cause 3M further irreparable injury and damage in the future unless SABIC is enjoined from infringing said patent.

COUNT II – INFRINGEMENT OF THE '055 PATENT

23. 3M restates and realleges each of the assertions set forth in Paragraphs 1 through 22 above.

24. SABIC has offered to sell, in this judicial district and elsewhere in the United States, its multi-layer tear-off product that infringes the '055 Patent.

25. The infringement by SABIC of the '055 Patent has injured 3M, and will cause 3M further irreparable injury and damage in the future unless SABIC is enjoined from infringing said patent.

PRAYER FOR RELIEF

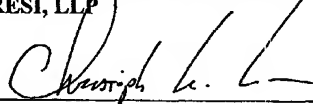
WHEREFORE, Plaintiffs 3M Innovative Properties Company and 3M Company (collectively "3M") pray for entry of judgment against Defendant SABIC Polymershapes ("SABIC") as follows:

- a. Finding that SABIC has infringed the '709 and '055 Patents;
- b. Enjoining SABIC and its agents, servants, officers, directors, employees, affiliated entities, and all persons acting in concert with them, from continuing infringement of the '709 and '055 Patents;
- c. Ordering SABIC to account for and pay to 3M the damages to which 3M is entitled as a consequence of the infringement of the '709 and '055 Patents;
- d. Adding prejudgment and post-judgment interest on all sums awarded;
- e. Awarding 3M its costs as allowed by law; and
- f. Granting such other and further relief as the Court may deem just and equitable.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, 3M respectfully requests a trial by jury of any and all issues on which a trial by jury is available under applicable law.

**ROBINS, KAPLAN, MILLER &
CIRESI, LLP**

A handwritten signature in dark ink, appearing to read "Martin R. Lueck", is written over a horizontal line.

Date: May 20, 2009

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